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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,830	11/14/2003	Junichi Ogikubo	450100-04816	2574

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EXAMINER

SCHNURR, JOHN R

ART UNIT	PAPER NUMBER
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2623

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02/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/713,830

Applicant(s)

OGIKUBO, JUNICHI

Examiner

John R. Schnurr

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892).
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :03/30/2004, 09/26/2006, 05/07/2007 and 10/29/2007.

DETAILED ACTION

1. This Office Action is in response to Application No. 10/713,830 filed 11/14/2003. Claims 1-80 are pending and have been examined.
2. The information disclosure statements (IDS) submitted on 03/30/2004, 09/26/2006, 05/07/2007 and 10/29/2007 were considered by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims **1-3, 5-8, 10-12, 14-17, 19-22, 24-27, 29-33, 35-39, 41-43, 55-57, 59-67, 69-78 and 80** are rejected under 35 U.S.C. 102(b) as being anticipated by **Wang (US Patent Application Publication 2002/0191950)**.

Consider **claim 1**, Wang clearly teaches a data processing apparatus comprising:

a combining device for combining main data including at least one of audio data and image data with associated information indicating limitation information for limiting reproduction operation of said main data when reproducing the main data; **(Fig. 6: Video plus content classification signal creation device 220 combines the audio and video data with a classification signal, which limits the reproduction of the video signal, [0028] and [0073].)**

a transmitting device for transmitting said main data combined with said associated information. **(Fig. 6: The combined signal is transmitted over bus 222a, [0073].)**

Consider **claim 2**, Wang clearly teaches said associated information comprises frame rate information indicating a frame rate of said main data. **(The content classification signal contains information limiting the playback of the video signal to a certain playback speed, frame rate, [0028].)**

Consider **claim 3**, Wang clearly teaches said limitation information includes information for limiting reproduction speed of said main data. **([0028])**

Consider **claim 5**, Wang clearly teaches said limitation information includes information for maintaining quality of said main data when reproducing the main data. **(The content classification signal prevents the user from fast forwarding the video, [0028]. Fast forwarding will degrade the quality of the video.)**

Consider **claim 6**, Wang clearly teaches said transmitting device transmits said main data combined with said associated information through a communication path. **(Fig. 6: The video and classification signals are transmitted via bus 222a, [0073].)**

Consider **claim 7**, Wang clearly teaches said transmitting device allows recording said main data combined with said associated information on recording medium. **(Fig. 6: Video recording and playback device 226 records the signal, [0071] and [0022].)**

Consider **claim 8**, Wang clearly teaches an adjuster for adjusting a frame rate of said main data. **(If the user is fast forwarding through the video content the frame rate will be adjusted when a portion of the content is reached in which fast forwarding is prevented, [0030].)**

Consider **claim 10**, see claim 1.

Consider **claim 11**, see claim 2.

Consider **claim 12**, see claim 3.
Consider **claim 14**, see claim 5.
Consider **claim 15**, see claim 6.
Consider **claim 16**, see claim 7.
Consider **claim 17**, see claim 8.

Consider **claim 19**, see claim 1.

Consider **claim 20**, Wang clearly teaches a data processing apparatus comprising:

a determining device for determining whether or not indication information indicates limitation information for limiting reproduction operation of main data including at least one of audio data and image data; **(Fig. 1: Skipping control device 14 determines if the content classification signal indicates the reproduction of the video signal should be limited, [0027]-[0028].)**

a combining device for combining said main data with associated information indicating said limitation information when said determining device determines that said indication information indicates said limitation information. **(Fig. 6: Video plus content classification signal creation device 220 combines the audio and video data with a classification signal, which limits the reproduction of the video signal, [0028] and [0073].)**

Consider **claim 21**, see claim 2.
Consider **claim 22**, see claim 3.
Consider **claim 24**, see claim 5.

Consider **claim 25**, see claim 20.
Consider **claim 26**, see claim 2.
Consider **claim 27**, see claim 3.
Consider **claim 29**, see claim 5.

Consider **claim 30**, see claim 20.

Consider **claim 31**, Wang clearly teaches a data processing apparatus comprising:

a determining device for determining whether or not indication information indicates limitation information for limiting reproduction operation of main data including at least one of audio data and image data; **(Fig. 1:**

Skipping control device 14 determines if the content classification signal indicates the reproduction of the video signal should be limited, [0027]-[0028].)

a correcting device for correcting said associated information on said main data when said determining device determines that said indication information indicates said limitation information. **(Fig. 8c: The manual content classification device reviews and modifies the content classification signal, [0083].)**

Consider **claim 32**, see claim 2.

Consider **claim 33**, see claim 3.

Consider **claim 35**, see claim 5.

Consider **claim 36**, Wang clearly teaches said indication information is provided from a user. **(Fig. 8c: The manual content classification device is operated by users, [0084].)**

Consider **claim 37**, see claim 31.

Consider **claim 38**, see claim 2.

Consider **claim 39**, see claim 3.

Consider **claim 41**, see claim 5.

Consider **claim 42**, see claim 36.

Consider **claim 43**, see claim 31.

Consider **claim 55**, Wang clearly teaches a data processing apparatus comprising:

a determining device for determining whether or not indication information indicates limitation information for limiting reproduction operation of main data including at least one of audio data and image data; **(Fig. 1: Skipping control device 14 determines if the content classification signal indicates the reproduction of the video signal should be limited, [0027]-[0028].)**

a reproducing device for reproducing said main data based on said limitation information when said determining device determines that said main data is combined with said associated information. **(Video recording and reproducing device reproduces the video data in accord with the determination of the skipping control device, [0028])**

Consider **claim 56**, see claim 2.

Consider **claim 57**, see claim 3.
Consider **claim 59**, see claim 5.

Consider **claim 60**, Wang clearly teaches said reproducing device reproduces said main data according a condition set beforehand when said main data is not combined with said associated information. **(Fig. 8A: The reproduction of the video data is based on the classification signal. The classification signal is created by classification device 402 using conditions set before the video and classification signals are combined, [0078].)**

Consider **claim 61**, see claim 8.

Consider **claim 62**, Wang clearly teaches wherein said limitation information indicates reproduction speed; **([0028])** and wherein said adjusting device adjusts a frame rate of said main data when reproducing said main data to a reproduction speed of said audio data and image data indicated by said limitation information. **(If the user is fast forwarding through the video content the frame rate will be adjusted when a portion of the content is reached in which fast forwarding is prevented, [0030].)**

Consider **claim 63**, Wang clearly teaches said limitation information indicates a speed range available for reproduction; and wherein said adjusting device adjusts a frame rate of said main data when reproducing said main data to a reproduction speed of said audio data and image data within said speed range indicated by said limitation information. **(The content classification signal disables fast forwarding and skipping, the user may still pause or rewind, [0028].)**

Consider **claim 64**, Wang clearly teaches wherein said limitation information indicates a recommended reproduction speed; **([0028])** and wherein said adjusting device adjusts a frame rate of said main data when reproducing said main data to the recommended reproduction speed of said audio data and image data indicated by said limitation information. **(If the user is fast forwarding through the video content the frame rate will be adjusted when a portion of the content is reached in which fast forwarding is prevented, [0030].)**

Consider **claim 65**, see claim 55.
Consider **claim 66**, see claim 2.
Consider **claim 67**, see claim 3.
Consider **claim 69**, see claim 5.
Consider **claim 70**, see claim 60.
Consider **claim 71**, see claim 8.
Consider **claim 72**, see claim 62.

Consider **claim 73**, see claim 63.
Consider **claim 74**, see claim 64.

Consider **claim 75**, see claim 55.

Consider **claim 76**, Wang clearly teaches a data recording medium for recording data that combines main data including at least one of audio data and image data with associated information indicating limitation information for limiting reproduction operation of said main data. (**Fig. 6: Video recording and playback device 226 records the video and classification signal, [0071] and [0022].**)

Consider **claim 77**, see claim 2.
Consider **claim 78**, see claim 3.
Consider **claim 80**, see claim 5.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims **4, 13, 23, 28, 34, 40, 58, 68 and 79** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wang (US Patent Application Publication 2002/0191950)** in view of **Nakamura et al. (US Patent 7,013,477)**, herein Nakamura.

Consider **claims 4, 13, 23, 28, 34, 40, 58, 68 and 79**, Wang clearly teaches a data processing apparatus providing limitation information for main data.

However, Wang does not explicitly teach said limitation information includes information for limiting a display size of image when reproducing the main data.

In an analogous art, Nakamura, which discloses a system for receiving broadcast video information, clearly teaches limitation information includes information for limiting a display size of image when reproducing the main data. (**When a commercial is being reproduced the size of the display is set so that a**

highlight scene may be displayed at the same time, column 34 line 42 to column 35 line 40.)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Wang by including information limiting the size of the display, as taught by Nakamura, for the benefit of preventing a viewer from losing interest in a program during a commercial (column 5 lines 25-32 Nakamura).

7. Claims **9, 18, 44-46, 48-51, 53 and 54** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wang (US Patent Application Publication 2002/0191950)** in view of **Nagashima et al. (US Patent 6,434,746)**, herein Nagashima.

Consider **claims 9 and 18**, Wang clearly teaches a data processing apparatus providing limitation information for main data.

However, Wang does not explicitly teach said adjuster adjusts the frame rate of said main data transmitted from said transmitting device by storing said main data temporarily on a storage medium and controlling read-out of said main data from said storage medium according to a bandwidth of said communication path referring to said limitation information.

In an analogous art, Nagashima, which discloses a system for receiving video information, clearly teaches an adjuster adjusts the frame rate of said main data transmitted from said transmitting device by storing said main data temporarily on a storage medium and controlling read-out of said main data from said storage medium according to a bandwidth of said communication path referring to said limitation information. **(The system monitors the traffic on the network and provides a lower frame rate if the traffic is heavy, column 8 lines 35-65.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Wang by including an adjuster adjusting the frame rate of said main data transmitted from said transmitting device by storing said main data temporarily on a storage medium and controlling read-out of said main data from said storage medium according to a bandwidth of said communication path referring to said limitation information, as taught by Nagashima, for the benefit of transmitting the best quality video the network can provide (column 5 lines 1-7 Nagashima).

Consider **claim 44**, Wang clearly teaches a data processing apparatus comprising:

a combining device for combining said main data with associated information indicating said limitation information when said determining device determines that said indication information indicates said limitation information. **(Fig. 6: Video plus content classification signal creation device 220 combines the audio and video data with a classification signal, which limits the reproduction of the video signal, [0028] and [0073].)**

However, Wang does not explicitly teach an editing device for editing main data including at least one of audio data and image data.

In an analogous art, Nagashima, which discloses a system for receiving video information, clearly teaches an editing device for editing main data including at least one of audio data and image data. **(The video is edited depending on the congestion of the network, column 8 lines 35-65.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Wang by utilizing an editing device for editing main data including at least one of audio data and image data, as taught by Nagashima, for the benefit of transmitting the best quality video the network can provide (column 5 lines 1-7 Nagashima).

Consider **claim 45**, see claim 2.

Consider **claim 46**, see claim 3.

Consider **claim 48**, see claim 5.

Consider **claim 49**, see claim 44.

Consider **claim 50**, see claim 2.

Consider **claim 51**, see claim 3.

Consider **claim 53**, see claim 5.

Consider **claim 54**, see claim 2.

8. Claims **47 and 52** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (US Patent Application Publication 2002/0191950) in view of Nagashima et al. (US Patent 6,434,746), as applied to claims 44 and 49 above, and further in view of Nakamura et al. (US Patent 7,013,477).

Consider **claims 47 and 52**, Wang combined with Nagashima, as applied to claims 44 and 49, clearly teaches a data processing apparatus using limitation information.

However, Wang combined with Nagashima, as applied to claims 44 and 49, does not explicitly teach said limitation information includes information for limiting a display size of image when reproducing the main data.

In an analogous art, Nakamura, which discloses a system for receiving broadcast video information, clearly teaches limitation information includes information for limiting a display size of image when reproducing the main data. **(When a commercial is being reproduced the size of the display is set so that a highlight scene may be displayed at the same time, column 34 line 42 to column 35 line 40.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Wang combined with Nagashima, as applied to claims 44 and 49, by including information limiting the size of the display, as taught by Nakamura, for the benefit of preventing a viewer from losing interest in a program during a commercial (column 5 lines 25-32 Nakamura).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R. Schnurr whose telephone number is (571) 270-1458. The examiner can normally be reached on Monday - Friday, 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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